THE BOMBAY GAS SUPPLY ACT, 1939.

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BOMBAY ACT No. IX OF 1939.[1]

[THE BOMBAY GAS SUPPLY ACT, 1939.]

[*17th May 1939.*]

An Act to provide for the regulation of the prices for supply of gas in the Province of Bombay.

WHEREAS it is expedient to provide for the regulation of prices for the supply of gas in the Province of Bombay and for certain other matters; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Gas Supply Act, 1939.

(*2*) It shall extend to the whole of the Province of Bombay.

(*3*) It shall come into force on such date as the Provincial Government may by notification in the Official Gazette appoint.

Bom. V of 1863.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*1*) " company " means the Bombay Gas Company, Limited, governed by the Gas Companies Act, 1863, or any other person to whom the provisions of this Act may, for the time being, be extended under section 10 and includes the successors and assigns of such company or person ;

(*2*) " consumer " means any person who is supplied with gas by the company ;

(*3*) " prescribed " means prescribed by rules made under this Act.

Company to prepare and render accounts annually.

3. (*1*) The company shall prepare and render to the Provincial Government or to such officer as the Provincial Government may appoint in this behalf, on or before the prescribed date in each year, a statement of accounts of its undertaking for such period, made up to such date, in such form and containing such particulars, as may be prescribed in this behalf.

(*2*) The company shall keep copies of such statement of accounts at its office and sell the same to any applicant at a price not exceeding that which may be prescribed.

Audit of accounts.

4. (*1*) The Provincial Government may direct that the statement of accounts of the undertaking shall, before being rendered under section 3, be examined and audited by such person as the Provincial Government may appoint or approve in this behalf.

(*2*) The remuneration of the auditor shall be such as the Provincial Government may direct and his remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the Provincial Government shall approve, shall be paid by the company on demand.

(*3*) The company shall afford to the auditor, his clerks and assistants, access to all such books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall, when required, furnish him and them all vouchers and information requisite for that purpose, and afford to him and them all facilities for the proper execution of his and their duty.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1939, Part V, p. 165 ; for Bombay Legislative Assembly Debates, 1939, Vol. 5, p. 3688 or Bombay Legislative Council Debates, 1939, Vol. 6, p. 780. For Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1939, Vol. 5, pp. 3193–3201 and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1939, Vol. 6, pp. 626–631.

(*4*) The audit shall be made and conducted in such manner as the Provincial Government may direct.

(*5*) If the company fails to pay the amount of the auditor's remuneration and the expenses incurred by him within the time fixed by the Provincial Government in this behalf, the same may be recovered from it as an arrear of land revenue.

Advisory Committee.

5. (*1*) The Provincial Government may by notification in the Official Gazette constitute an Advisory Committee.

(*2*) The Advisory Committee shall consist of a Chairman and not less than two other members.

(*3*) The Provincial Government may by general or special order,—

(*i*) define the powers, and duties and regulate the procedure of the committee,

(*ii*) determine the tenure of office of the members of the committee, and

(*iii*) give directions as to the payment of fees to, and the travelling expenses incurred by, any of the members of the committee in the execution of his duty.

Rules to prescribe limits of prices.

6. The Provincial Government may, from time to time in accordance with the recommendations of the Advisory Committee, make rules prescribing the limits of prices which the company may charge for the supply of gas to any consumer or class of consumers, in the whole of the province or in any specified area.

Price in excess of limit not to be charged or recovered.

7. Notwithstanding any contract or law, the company shall not, at any time, charge or recover from any consumer price for supply of gas to him in excess of the limit prescribed in this behalf by rules made under section 6.

Penalty.

8. Whoever contravenes any of the provisions of this Act shall on conviction be liable to a fine which may extend to one thousand rupees.

The principal officer to be liable for default made by the Company.

9. Where anything is required to be done by the company by or under any provision of this Act, the principal officer of the company shall be bound to do the same and shall be personally liable if default is made in the doing of any such thing.

Explanation.—For the purposes of this section, the principal officer of the company shall mean the director, secretary, treasurer, manager or agent of the company.

Extension of the Act to persons manufacturing or supplying gas.

10. The Provincial Government may, by notification in the Official Gazette, extend the provisions of this Act to any person who manufactures or supplies gas in any area within the Province of Bombay.

Rules.

11. (*1*) The Provincial Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters :—

(*a*) the date on or before which the statement of accounts of its undertaking shall be rendered by the company to the Provincial Government under sub-section (*1*) of section 3 ; the date up to which such statement shall be made and the particulars which it shall contain ; and

(*b*) the maximum price at which copies of statement of accounts shall be sold, under sub-section (*2*) of section 3.